

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

Bristol Regional Women's Center, P.C., on behalf
of itself and its patients; *et al.*,

Plaintiffs,

v.

HERBERT H. SLATERY III, Attorney General of
Tennessee, in his official capacity; *et al.*,

Defendants.

CASE NO. 3:15-cv-00705

JUDGE FRIEDMAN

MAGISTRATE JUDGE
FRENSLEY

**JOINT MOTION TO TOLL THE DEADLINE FOR PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES**

Plaintiffs and Defendants hereby move this Court to toll the deadline for Plaintiffs' motion for statutory attorneys' fees. In support thereof, the parties represent as follows:

1) Middle District of Tennessee Local Rule 54.01(b) requires parties to file a motion for statutory attorneys' fees "within thirty (30) days from the District Court's entry of final judgment in the case." This rule also provides that motions to recover statutory attorneys' fees "for appellate and Supreme Court litigation in the case must be made within thirty (30) days of the entry of the Sixth Circuit mandate and, if applicable, thirty (30) days from the denial of a petition for certiorari or other final decision of the Supreme Court."

2) On April 17, 2020, this Court granted Plaintiffs' motion for a preliminary injunction. ECF No. 244. On April 21, the Court denied Defendants' motion for a stay pending appeal, ECF No. 252, and the Sixth Circuit Court of Appeals denied Defendants' motion for an administrative stay, ECF No. 250. Three days later, the Sixth Circuit Court of Appeals affirmed

this Court's order but directed this Court to modify the preliminary injunction. ECF No. 258. The Court modified the preliminary injunction on April 27. ECF No. 257. On May 5, the Sixth Circuit Court of Appeals denied Defendants' motion for a rehearing en banc. ECF No. 261. Defendants then filed a petition for a writ of certiorari at the Supreme Court. ECF No. 277.

3) On May 14, 2020, following the Sixth Circuit's denial of Defendants' motion for rehearing en banc, Plaintiffs filed a motion for statutory attorneys' fees on appeal. ECF No. 263. Defendants filed notice with this Court on July 27, 2020, that the parties had reached a settlement on those appellate fees. ECF No. 271.

4) On January 25, 2021, the Supreme Court granted Defendants' petition for a writ of certiorari, vacated the judgment as moot, and remanded the case to the Sixth Circuit Court of Appeals for further proceedings. That judgment issued on February 26. ECF No. 289. On March 1, 2021 the Sixth Circuit Court of Appeals vacated the April 17, 2020, order granting Plaintiffs' motion for a preliminary injunction as moot. ECF No. 290. This Court entered its order vacating that preliminary injunction on March 4, 2021. ECF No. 291.

5) On March 5, 2021, Genevieve Scott, representing Plaintiffs, and Alex Rieger, representing Defendants, consulted regarding Plaintiffs' plan to file a Motion for Attorneys' Fees for work before the district court. As a result of this consultation the parties agreed, in the interests of judicial economy, to file this Motion to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees with the goal of settling on all fees, including those on appeal that were subject to Defendants' July 27, 2020, notice of settlement. *See* ECF No. 271.

Wherefore, the parties respectfully move the Court to grant their Joint Motion to Toll the Deadline for Plaintiffs' Motion for Attorneys' Fees such that Plaintiffs' motion for statutory attorneys' fees, if necessary, would be due 30 days after the conclusion of settlement negotiations

associated with this case and Defendants' objections, if necessary, would be due 30 days after that filing. Nothing in this joint motion is intended to waive any objections to any fee motion in this matter.

RESPECTFULLY SUBMITTED this 8th day of April 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on April 8, 2021, a true and correct copy of the foregoing was served on the Tennessee Attorney General's Office, counsel for all Defendants, via the Court's ECF/CM system.

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